

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re the application of:** Golz et al.

**Serial No.:** 10/537,614

**Filed:** February 6, 2006

**For:** ISOLATED FLUORESCENT PROTEIN FROM CLYTIA GREGARIA  
CGFP AND USE THEREOF

**Attorney Docket No.:** LeA 36 493 [67860(303989)]

**Confirmation No.:** 6701

**Group Art Unit:** 1633

**Examiner:** Scott D. Long

**Attention: Office of Petitions**

**Mail Stop Petitions**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATION OF ELECTRONIC FILING UNDER 37 C.F.R. §1.8**

Date of Electronic Submission: April 28, 2008

I hereby certify that this correspondence is being transmitted via the U.S.P.T.O.'s Patent Electronic Business Center in accordance with 37 C.F.R. § 1.6(a)(4) on the date indicated above.

/Gabriel J. McCool/

Signature of Person Transmitting Paper

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
APPLICATION ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Dear Sir:

A final Office action was mailed in this application on October 3, 2007, to which Applicants filed a timely reply on March 3, 2008, which unintentionally did not include a Notice of Appeal. The statutory period for reply to the final Office action expired on April 3, 2008. Applicants realized that a Notice of Appeal had not been filed only when Applicants received a copy of the Advisory Action, which was mailed on March 18, 2008. No Notice of Abandonment has yet been mailed by the United States Patent and Trademark Office. Accordingly, **Applicants hereby petition for revival of this application under 37 CFR 1.137(b)**, which was unintentionally abandoned on April 4, 2008 when Applicants did not file a timely Notice of Appeal by April 3, 2008.

A grantable petition under 37 CFR 1.137(b) requires (1) a petition fee, (2) a reply, (3) a terminal disclaimer with disclaimer fee (if filed before June 8, 1995), (4) a statement that the entire delay was

unintentional. These requirements are met as follows:

*(1) Petition fee*

Applicants hereby authorize payment from Deposit Account No. 04-1105 of the large-entity fee under 37 CFR 1.17(m) of \$1540.00 for Petition to revive this unintentionally abandoned application.

*(2) Reply*

The reply to the above-noted final Office action includes the Response, previously filed on March 3, 2008 (copy enclosed herewith), and a Notice of Appeal (filed herewith). The Notice of Appeal was unintentionally not filed by April 3, 2008, i.e., the end of the statutory period for reply to the final Office action. Applicants hereby authorize payment from Deposit Account No. 04-1105 of the large-entity fee under 37 CFR 41.20(b)(1) of \$510.00 for the Notice of Appeal.

*(3) Terminal disclaimer with disclaimer fee*

Since this patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

*(4) Statement*

The entire delay in filing the required reply, from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b), was unintentional.

Dated: April 28, 2008

Respectfully submitted,

By: /Gabriel J. McCool/  
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